

Message Text

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PAGE 01 LIMA 06319 262253Z

ACTION XMB-04

INFO OCT-01 ARA-14 ISO-00 EB-08 COME-00 L-03 /030 W

-----087475 262304Z /65

P 262125Z JUL 77

FM AMEMBASSY LIMA

TO SECSTATE WASHDC PRIORITY 5889

UNCLAS LIMA 6319

EO 11652: N/A

TAGS: EFIN, PE

SUBJ: BEGO T.V. EXIMBANK GUARANTEE CLAIM

BG-9027

REF: A) LIMA 4961, B) EXIMBANK MESSAGE TO

EMBASSY JUNE 17, 1977

PLEASE PASS EXIMBANK

1. WITH RESPECT PARA 5, REF B, WE BELIEVE THERE IS POSSIBILITY OF RECOVERY OF EXIMBANK CLAIM. EMBASSY NOT CERTAIN OF AMOUNT RECOVERABLE, HOWEVER, SINCE THERE IS NO INFORMATION YET AVAILABLE EITHER ON TOTAL OUTSTANDING DEBTS OF BEGO TV OR NUMBER OF CREDITORS WHO WILL APPEAR BEFORE JUDGE OF CIVIL COURT (IN ACCORDANCE WITH PROCEDURE OUTLINED PARA 1, REF A). (EMBASSY HAS BEEN INFORMED UNOFFICIALLY THAT TOTAL AMOUNT AVAILABLE FOR DISTRIBUTION TO ALL CREDITORS WHO APPEAR BEFORE JUDGE MAY APPROACH S/3,500,000 OR \$43,210 AT CURRENT EXCHANGE RATE).

2. SINCE WE BELIEVE COMMISSION APPOINTED TO APPRAISE BEGO TV IS ABOUT TO ISSUE ITS FINAL REPORT, WE RECOMMEND EXIMBANK PROVIDE AS SOON AS POSSIBLE POWER OF ATTORNEY (IN SPANISH) AND THE ORIGINAL, REPEAT ORIGINAL, PROMISSORY NOTES ISSUED BY BEGO TV (AFTER JUDGE RENDERS DECISION, ORIGINAL NOTES WILL BE RETURNED).

3. IN ADDITION IT WOULD BE HELPFUL IF EXIMBANK WOULD PROVIDE

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DOCUMENTATION WHICH WILL SHOW THAT PAYMENTS WERE APPLIED AGAINST PROMISSORY NOTES IN ORDER TO REDUCE ORIGINAL BEGO TV DEBT FROM A TOTAL \$170,000 (NOTES ARE IN AMOUNTS OF \$80,000 AND \$90,000) TO THE CURRENT BALANCE OF \$69,926.74 PLUS INTEREST. LAWYER WOULD LIKE TO HAVE EVIDENCE SHOWING HOW INTEREST ON OUTSTANDING BALANCE IS COMPUTED TO ARRIVE AT \$14.07 PER DAY. THIS ADDITIONAL DOCUMENTATION MAY BE CRITICAL IN CONVINCING CIVIL COURT JUDGE OF

VALIDITY OF EXIMBANK CLAIMAM ALL DOCUMENTATION (POWER OF ATTORNEY, ORIGINAL PROMISSORY NOTES, ETC.) MUST BE LEGALIZED BY BOTH A U.S. NOTARY PUBLIC AND THE PERUVIAN CONSUL IN WASHINGTON.

4. SINCE REF A SENT, EMBASSY HAS INCREASED DR. LEGUIA'S WORK-LOAD, THUS PREVENTING HIM FROM TAKING PRIMARY ROLE IN PURSUING COLLECTION. HE HAS RECOMMENDED DR. JORGE TRELLES MONTERO WHO IS WILLING TO HANDLE BEGO TV CASE ON CONTINGENCY BASIS. DR. TRELLES' FEE IS 20 PERCENT OF RECOVERY PLUS \$300 FOR EXPENSES (INCLUDING COURT COSTS).

5. FOLLOWING IS SPANISH TEXT OF POWER OF ATTORNEY IN EVENT EXIMBANK WISHES EMBASSY TO REFER COLLECTION TO DR. TRELLES OR ANOTHER ATTORNEY OF ITS CHOICE. (DR. LEGUIA'S NAME HAS BEEN INCLUDED TO PERMIT HIM TO APPEAR IN COURT ON BEHALF EXIMBANK IN EVENT TRELLES IS ILL OR OTHERWISE UNAVAILABLE ONE DAY):

POR EL PRESENTE DOCUMENTO, OTORGADO ANTE NOTARIO PUBLICO, (NAME OF NOTARY PUBLIC), DE LA CIUDAD DE WASHINGTON D.C. EL EXPORT-IMPORT BANK DE LOS ESTADOS UNIDOS DE AMERICA ("EXIMBANK"), UNA ENTIDAD ORGANIZADA Y EXISTENTE BAJO LAS LEYES DE (TO BE FILLED IN BY EXIMBANK), CON DOMICILIO EN 811 VERMONT AVE. N.W., WASH. D.C., 20571, ESTADOS UNIDOS DE AMERICA, DEBIDAMENTE REPRESENTADA EN ESTE ACTO POR SU (TITLE OF EXIMBANK OFFICIAL), SR. (TO BE FILLED IN BY EXIMBANK), OTORGA PODER AMPLIO Y GENERAL AL DR. CARLOS LEGUIS FUCHS Y/O AL DR. JORGE TRELLES

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MONTERO PARA QUE, INDIVIDUAL E INDISTINTAMENTE, UNO U OTRO, SEGUN LO ESTIMEN POR CONVENIENTE, EN NOMBRE Y REPRESENTACION DE NUESTRA INSTITUCION, SE PRESENTEN ANTE EL JUZGADO DE NUESTRA INSTITUCION, SE PRESENTEN ANTE EL JUZGADO DE PRIMERA INSTANCIA EN LO CIVIL DE LIMA, PERU, O CUALQUIER OTRA AUTORIDAD JUDICIAL PERUANA, Y ANTE CUALQUIER OTRA AUTORIDAD COMPETENTE DE LA REPUBLICA DEL PERU, PARA LOGRAR QUE SE CALIFIQUE Y SE RECUPERE EL CREDITO QUE NUESTRA INSTITUCION MANTIENE CON LA FIRMA BEGO TELEVISION S.A. DE LIMA, PERU; AUTORIZANDO DESDE YA A LOS REFERIDOS DOCTORES LEGUIA Y/O TRELLES PARA QUE PUEDAN FIRMAR ESCRITOS, CONVENIOS, DOCUMENTOS LEGALES, Y, EN GENERAL, REALIZAR TODOS ACTOS Y GESTIONES NECESARIOS PARA REPRESENTAR A NUESTRA INSTITUCION EN LA RECUPERACION DEL CREDITO ANTES ALUDIDO. LA ENUMERACION ANTERIOR ES MERAMENTE ENUNCIATIVA MAS NO LIMITATIVA, POR LO QUE EN NINGUN MOMENTO SE PODRA TACHAR EL PRESENTE PODER COMO INSUFICIENTE PARA QUE EL DR. LEGUIA Y/O EL DR. TRELLES ACTUEN COMO NUESTROS REPRESENTANTES. APARTE DEL PODER GENERAL TAMBIEN OTORGAMOS A LOS DOCTORES LEGUIA Y/O TRELLES LAS FACULTADES ESPECIALES DEL MANDATO CONTENIDAS EN LOS ARTICULOS 9 Y 10 DEL CODIGO DE PROCEDIMIENTOS CIVILES VIGENTE DE LA REPUBLICA DEL PERU.

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Message Attributes

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SAS ID: 1748247
Secure: OPEN
Status: NATIVE
Subject: BEGO T.V. EXIMBANK GUARANTEE CLAIM BG-9027
TAGS: EFIN, PGOV, PE, BEGO TV
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/dcec0d64-c288-dd11-92da-001cc4696bcc
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